

JUL 22 2005

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1770-174US-DIV JH:bm

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Number of pages including this cover sheet: 9  
Date: July 22, 2005  
From: Jennifer Holly  
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Direct Fax: (613) 230-6706  
E-Mail: jholly@ogilvyrenault.com

To	Company	City	Fax
Mail Stop ISSUE FEE Art Unit 1638 Examiner : Ann R. Kubelik	United States Patent Office Facsimile Centre	Alexandria, VA	571-273-8300

Re: Serial No. 10/046,769  
Inventor: BROWN, Gregory G.  
Title: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING  
CYTOPLASMIC MALE STERILITY AND FOR RESTORATION  
OF MALE FERTILITY AND USES THEREOF IN HYBRID CROP  
PRODUCTION

Please see attached correspondence.

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Patent Agents & Trade-mark Agents

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File No.: 1770-174US-DIV

July 22, 2005

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANT: Gregory Brown  
SERIAL NO.: 10/046,769  
FILING DATE: January 17, 2002  
FOR: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING  
CYTOPLASMIC MALE STERILITY AND FOR RESTORATION OF  
MALE FERTILITY AND USES THEREOF IN HYBRID CROP  
PRODUCTION  
ART UNIT: 1638  
EXAMINER: Anne R. Kubelik  
AGENT/ATTORNEY: Jennifer Quinn  
(613) 780-8678  
jholly@ogilvyrenault.com

Via Facsimile to (703) 872-9306

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to our telephone communication with Examiner ANNE KUBELIK, of earlier today, we now herein provide a re-transmission of our PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 of U.S. Patent Application S.N. 10/046,769 dated March 31, 2005. This petition was originally filed by facsimile at the U.S.P.T.O. on March 31, 2005, prior to the applicable deadline of April 1, 2005 as evidenced by the Auto-Reply Facsimile Transmission receipt issued by the U.S.P.T.O. confirming the same. However, as confirmed by Examiner ANNE KUBELIK it appears as though this Petition has not yet been made of record against the above-mentioned U.S. Patent application at the U.S.P.T.O.

File No.: 1770-174US-DIV

March 31, 2005

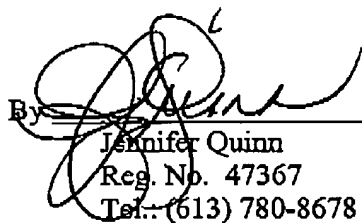
In attempt to determine the cause of this delay we have reviewed our file and have realized that a typographical error appeared in the Facsimile Cover Sheet used in our original facsimile transmission which incorrectly referenced the application Serial Number as 10/046,796 instead of its correct Serial Number 10/046,769. However, the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 as filed on March 31, 2005 did correctly reference U.S. Patent Application S.N. 10/046,769. We sincerely apologize for any confusion that this inadvertent error may have caused to delay the recordal of the Petition.

In view of the evidence herein provided, we believe that this Petition was timely filed at the U.S.P.T.O. and that the Holding of Abandonment of U.S. Patent Application S.N. 10/046,769 should proceed to be withdrawn in due course, based thereon. As such, withdrawal of the holding of abandonment is herein respectfully requested.

Should you require anything further, please do not hesitate to contact the undersigned Agent, namely Jennifer Quinn at 613-780-8678.

Respectfully submitted,

OGILVY RENAULT

By   
Jennifer Quinn  
Reg. No. 47367  
Tel.: (613) 780-8678

PAGE 4/9 \* RCVD AT 7/22/2005 4:12:29 PM [Eastern Daylight Time] \* SVR:USPTO-EFEXRF-6/31 \* DNIS:2738300 \* CSID:613 230 6706 \* DURATION (mm:ss):02:30

File No.: 1770-174US-DIV

COPY

March 31, 2005

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANT: Gregory Brown  
SERIAL NO.: 10/046,769  
FILING DATE: January 17, 2002  
FOR: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING  
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ART UNIT: 1638  
EXAMINER: Anne R. Kubelik  
AGENT/ATTORNEY: Jennifer Quinn  
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Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181**

Sir:

Applicant petitions for withdrawal of the Notice of Abandonment in respect of the above-identified patent application.

A Notice of Abandonment in respect of the above-identified application was mailed on February 1, 2005 and indicates that the Issue Fee and Publication Fee were not received. A check of the USPTO Patent Application Information Retrieval system confirms our records showing that the Publication and Issue Fee payments were recorded on August 16, 2004 in Response to a first Notice of Allowance mailed on May 14, 2004.

File No.: 1770-174US-DIV

March 31, 2005

Subsequent to these payments, the PAIR system corresponds with our records to indicate that the Examiner communicated an Examiner's amendment on August 24 2004 and subsequently issued a Corrected Notice of Allowance the same day. Subsequent to this, a Notice of Drawing Inconsistency with Specification was mailed by the Examiner on November 1, 2004 and a corresponding Response thereto was filed on December 1, 2004 to rectify the discrepancy in the drawings.

As a result of this Response, Applicant believed that the application would proceed to issuance in light of the previous payment of the requisite Issue and Publication fees as withdrawn from Deposit Account No. 19-5113 on August 16, 2004.

The undersigned submits that refunds for the Publication and Issue fee payments mentioned above have not been received. Accordingly, it is believed that the above-mentioned Notice of Abandonment was issued in error.

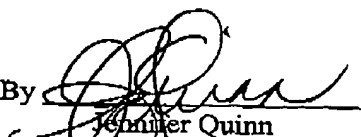
A copy of a printout from the Patent Application Information Retrieval system indicating the course of events as detailed herein above, is enclosed together with a copy of the undersigns deposit account statement verifying payment of the Issue fee under code 1501 and Publication fee under code 1504.

Accordingly, withdrawal of the holding of abandonment is herein respectfully requested. In view of the payment of the requisite fees, applicant respectfully requests that the above-identified allowed patent application now proceed to issuance.

Respectfully submitted,

OGILVY RENAULT

By

  
Jennifer Quinn  
Reg. No. 47367  
Tel.: (613) 780-8678

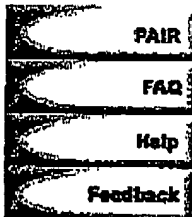


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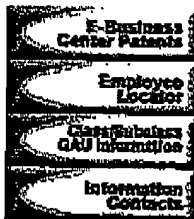
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Search results as of: 2-16-2005::15:47



## Other Links



Search results for application number: 10/046,769			
Application Number:	10/046,769	Customer Number:	20988
Filing or 371(c) Date:	01-17-2002	Status:	Abandoned -- Failure Issue Fee
Application Type:	Utility	Status Date:	02-01-2005
Examiner Name:	KUBELIK, ANNE R	Location:	ELECTRONIC
Group Art Unit:	1638	Location Date:	-
Confirmation Number:	5630	Earliest Publication No:	US 2002-0100078 A1
Attorney Docket Number:	1770-174US-DIV	Earliest Publication Date:	07-25-2002
Class/ Sub-Class:	800/287	Patent Number:	-
First Named Inventor:	Gregory Brown, Montreal, (CA)	Issue Date of Patent:	-
Title Of Invention:	METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING CYTOPLASMIC MALE STERILITY AND FOR RESTORATION OF MALE STERILITY AND FOR RESTORATION OF MALE FERTILITY AND USE THEREOF IN HYBRID CROP PRODUCTION		

Select Search Option

☐ Continuity Data  
☐ Image File Wrapper  
☐ Patent Term Adjustment History

File History	
Date	Contents Description
02-01-2005	Mail Abandonment for Failure to Pay Issue Fee
02-01-2005	Abandonment for Failure to Pay Issue Fee
12-01-2004	Miscellaneous Incoming Letter - <i>deleting Fig 4 as per parent</i>
12-03-2004	Workflow incoming amendment IFW
12-01-2004	Workflow incoming amendment IFW
11-01-2004	Mail Miscellaneous Communication to Applicant
10-27-2004	Miscellaneous Communication to Applicant - No Action Count
10-15-2004	Receipt into Pubs
08-26-2004	Mail Corrected Notice of Allowance
08-26-2004	Mail Examiner's Amendment

08-25-2004	Application Is Considered Ready for Issue
08-24-2004	Issue Revision Completed
08-24-2004	Corrected Notice of Allowance
08-24-2004	Examiner's Amendment Communication
08-16-2004	Issue Fee Payment Recorded
05-27-2004	Workflow - File Sent to Contractor
05-14-2004	Mail Notice of Allowance
05-13-2004	Issue Revision Completed
05-13-2004	Notice of Allowance Data Verification Completed
05-13-2004	Case Docketed to Examiner In GAU
05-13-2004	Notice of Allowability
05-04-2004	Workflow incoming amendment IFW
03-05-2004	Date Forwarded to Examiner
03-02-2004	Response after Non-Final Action
02-17-2004	Mail Notice of Informal or Non-Responsive Amendment
12-12-2003	IFW Amended case processing Complete
12-12-2003	Date Forwarded to Examiner
11-26-2003	Informal or Non-Responsive Amendment after Examiner Action
11-26-2003	Response after Non-Final Action
11-26-2003	New or Additional Drawing Filed
08-27-2003	Mail Non-Final Rejection
08-25-2003	Non-Final Rejection
05-13-2002	Information Disclosure Statement (IDS) Filed
04-26-2002	X-Pre-Legal Complete New Case
03-15-2002	Case Docketed to Examiner in GAU
02-19-2002	Application Dispatched from OIPE
02-15-2002	Application Is Now Complete
02-07-2002	IFW Scan & PACR Auto Security Review
01-29-2002	IFW Scan & PACR Auto Security Review
01-17-2002	Initial Exam Team nn

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**Deposit Account Statement**Requested  
Statement

Month: Aug-04

Deposit

Account

Number: 195113

Name: OGILVY  
RENAULTAttention: DEBBIE  
SEARLE  
1981 MCGILL

Address: COLLEGE

City: MONTREAL

State:

Zip: H3A 2Y3

DATE	AGENT	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	CAN
*Aug-16 16680 LB		10046769	1770-174US-DIV	1501	\$1,330.00	\$1,888.60
*Aug-16 16680 LB		10046769	1770-174US-DIV	1504	\$300.00	\$426.00
*Aug-16 16680 LB		10046769	1770-174US-DIV	8001	\$6.00	\$8.52
Aug-16 16603 KD		10917385	9-15000-25US	2001	\$385.00	\$546.70
Aug-16 16603 KD		10917385	9-15000-25US	2202	\$36.00	\$51.12
Aug-16 15691 GH		10917456	16553-1US	2001	\$385.00	\$546.70
Aug-16 16334 MG		10503584	16655-1US	1613	\$920.00	\$1,306.40
Aug-17 19560 MF		6201914	6013-47US-1	2551	\$455.00	\$646.10
Aug-17 19560 MF		6106796	9-16062-5US	2551	\$455.00	\$646.10
Aug-17 19560 MF		6106796	9-16062-5US	2554	\$65.00	\$92.30
Aug-17 16598 PN		60601615	12115-10USPR	2005	\$80.00	\$113.60
Aug-17 16607 JR		10915392	2993-534US	8021	\$40.00	\$56.80
Aug-18 16602 SC		9773581	15218-1US	2251	\$55.00	\$78.10
Aug-18 16602 SC		10417108	8976-40US	1202	\$54.00	\$76.68
					\$4,566.00	\$6,483.72

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